

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 2, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-14779 - APPLICANT: NEVADA POWER COMPANY -  
OWNER: US DEPARTMENT OF THE INTERIOR, BUREAU OF LAND  
MANAGEMENT**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Site Development shall comply with the Conditions of Approval for Zoning Application (Z-0095-91), Site Development Plan Review [Z-0095-91(1)], and all subsequent site-related actions as required by the Planning and Development Department and the Department of Public Works.
2. The Special Use Permit shall be reviewed in three years at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review. Failure to pay the City for these costs may result in cessation of the use.

## **\*\* STAFF REPORT \*\***

### **APPLICATION REQUEST**

This is a Required Three Year Review of an approved Review of Condition (ROC-2137) that allowed the deferment of required landscaping along the east, north and west sides of the site on property located adjacent to the northwest corner of Iron Mountain Road and Decatur Boulevard.

### **EXECUTIVE SUMMARY**

Review of Condition (ROC-2137) was approved by City Council on 05/21/03. Condition Number 2 stated "The deferment of the required landscaping along the east, north and west sides of the site shall be subject to a Three-Year Review from the date of final approval, at which time the City Council may require full landscape improvements be installed." The applicant has not complied with Condition Number 2. The applicant indicates that they have not been able to install the required landscaping due to delays in funding from the Bureau of Land Management, and proposed improvements to adjacent street and power pole locations, which have not been resolved by Nevada Power, City of Las Vegas Traffic Engineering and Clark County. The required landscaping has been delayed since 1997. Therefore, staff is recommending denial of the Required Review.

### **BACKGROUND INFORMATION**

#### ***A) Related Actions***

- |          |  |
|----------|--|
| 12/04/91 | The City Council approved a Rezoning (Z-0095-91) from R-E (Residence Estates) to C-V (Civic) on property located on the south side of Moccasin Road, west of Decatur Boulevard. The Planning Commission and staff recommended approval on 11/14/91.                              |
| 06/27/97 | The Planning Commission approved a Site Development Plan Review [Z-0095-91(1)] for an electrical switching station on property located on 20.00 adjacent to the northwest corner of Decatur Boulevard and Iron Mountain Road. Staff recommended approval of the subject request. |
| 06/11/98 | The Planning Commission approved a Review of Condition [Z-0095-91(2)] to delay installation of required landscaping. Staff recommended approval of the subject request.  |
| 12/21/00 | The Planning Commission approved a Review of Condition [Z-0095-91(3)] to extend the delay of installation of required landscaping. Staff recommended approval of the subject request.  |

- 02/14/02      The Planning Commission approved a Review of Condition [Z-0095-91(4)] which allowed an additional deferment of the installation of the required landscaping. Staff recommended approval of the subject request.
- 05/21/03      The City Council approved a Review of Condition (ROC-2137), Condition Number 1 of an approved One Year Review [Z-0095-91(4)] which stated "That the deferment of landscaping shall be allowed until April 1, 2004, In the interim, 3-inch decomposed granite mulch and 36-inch minimum diameter boulders shall be installed along Iron Mountain Road frontage no later than July 1, 2003." Staff recommended approval of the subject case.

***B) Pre-Application Meeting***

A pre-application meeting is not required for a Required Review request.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Required Review request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres:      161.36 (entire BLM parcel)  
Net Acres:          13.78

***B) Existing Land Use***

Subject Property: Electrical Substation  
North:              Undeveloped  
                        Detention Basin  
South:              Shadow Ridge High School  
East:                Undeveloped (City of North Las Vegas)  
West:                Undeveloped

***C) Planned Land Use***

Subject Property: PF (Public Facility)  
North:              PF (Public Facility)  
South:              PF (Public Facility)  
East:                City of North Las Vegas  
West:                PF (Public Facility)

***D) Existing Zoning***

Subject Property: C-V (Civic)  
North:              C-V (Civic)  
South:              R-E (Residence Estates) under Resolution of Intent to C-V (Civic)  
East:                City of North Las Vegas  
West:                C-V (Civic)

**E) General Plan Compliance**

The subject site is designated PF (Public Facility) in the Centennial Hills Sector Plan of the General Plan. The existing electrical substation use and the C-V (Civic) zoning designations are permitted uses within the PF (Public Facility) land use category.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		X
<b>Special Overlay District</b>		X
<b>Trails</b>	X	
<b>Study Area</b>		X
<b>Rural Preservation Neighborhood</b>		X
<b>Inter-local Agreement Joint Land Use Planning Area</b>		X
<b>Development Impact Notification Assessment</b>		X
<b>Project of Regional Significance</b>		X

The subject site is not located within any special districts, zones or areas of the City. However, Map number 2 of the Interlocal Joint Use Planning Area Trails Map designates a 25-foot wide equestrian trail adjacent to the north site of Iron Mountain Road.

**ANALYSIS**

**A) General Analysis and Discussion**

The Planning Commission approved Site Development Plan Review [Z-0095-91(1)] for an electrical switching station on 06/27/97. Title 19.18 requires that if a Site Development Plan Review is not exercised within two years after the date of approval it shall be void, unless an extension of time is granted. A Site Development Plan is exercised upon the issuance of a building permit for the principal structure on the site. The City of Las Vegas Administrative Code states "Construction work on property owned by the United States or on property owned by any other governmental entity, to the extent exempted by State law. Also, construction directly relating to the delivery of a utility service, built by a public utility company operating under the control of the Nevada Public Service Commission." Therefore, no building permits were required for the substation. The approved substation is fully operational on the subject site.

The Site Development Plan Review [Z-0095-91(1)] was approved with associated conditions. The applicant has not complied with the Public Works conditions or the landscaping conditions. The remaining conditions have been satisfied. The approved conditions are listed below for Site Development Plan Review [Z-0095-91(1)].

1. The installation of barbed wire or razor wire shall be prohibited on top of the wall as required by the Planning and Development department.

2. No off-site improvements or right-of-way dedications are required at this time. However the design of this site shall provide for the future dedication of Decatur Boulevard, Iron Mountain Road, O'Hare Avenue, and Thom Boulevard, including appropriate radii at each intersection. Also, the design of this site shall allow for the possible additional right-of-way requirements at the intersection of Decatur Boulevard and Iron Mountain Road per Standard Drawings #201.1, #234.1, and #234.2 as required by the Department of Public Works.
3. Sign and record a Covenant Running with Land agreement for the possible future installation of half-street improvements (including curb and gutter, sidewalks, streetlighting, permanent paving, all appurtenant underground facilities for future traffic signals and possibly fire hydrants and sewers) on Iron Mountain Road, Decatur Boulevard, O'Hare Avenue and Thom Boulevard adjacent to this site prior to the issuance of any permits as required by the Department of Public Works. A letter to the City of Las Vegas on corporate letterhead indicating the future commitment to dedicate the appropriate right-of-way and to improve all offsite improvements as needed within ninety days after the receipt of a written notice from the Director to do so shall suffice in lieu of the covenant as required by the Department of Public Works.
4. The proposed entry gates shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the future right-of-way before stopping at the gate as required by the Department of Public Works.
5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building permits, whichever may occur first, as required by the Department of Public Works. This study shall specifically address the impact this site will have, if any, to the outfall for the existing detention basin on the adjacent property. Provide and improve all drainage corridors recommended in the approved Drainage Study.
6. All development shall be in conformance with the plot plan and building elevations.
7. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
8. A landscape plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.
9. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).
10. All City Code requirements and design standards of all City departments must be satisfied.

11. Parking and driveway plans must be approved by the Traffic Engineer prior to issuance of any permits.
12. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.
13. Conformance to the City of Las Vegas Zoning Ordinance.
14. Conformance to the City of Las Vegas Urban Design Guidelines and Standards.

On June 11, 1998 a Review of Condition was approved to delay the installation of the required landscaping pursuant to the approval of Site Development Plan Review [Z-0095-91(1)]. The delay of landscaping is directly related to Conditions of approval Numbers 6, 7 and 8 as indicated above. There were three additional Reviews of Condition, which delayed landscaping after the first review. The third Review of Condition [Z-0095-91(4)], allowed the deferment of the installation of the required landscaping and added language to Condition Number 1, which stated "The deferment of landscaping shall be allowed until April 1, 2004. In the interim, 3-inch decomposed granite mulch and 36-inch minimum diameter boulders shall be installed along Iron Mountain Road frontage no later than July 1, 2003." The applicant has not complied with this condition as nothing has been installed.

A Review of Condition (ROC-2137) which requested the deletion of Condition Number 1 from Review of Condition [Z-0095-91(4)] was approved by the City Council on 05/21/03. Condition Number 2 from Review of Condition (ROC-2137) stated "The deferment of the required landscaping along the east, north and west sides of the site shall be subject to a Three-Year Review from the date of final approval, at which time the City Council may require full landscape improvements be installed." The applicant has not satisfied Condition Number 2 and requests an additional review in three (3) years.

Required site landscaping has been delayed since 1997. The applicant indicates that they cannot comply with the required conditions as they are waiting on a grant from the Bureau of Land Management, which is needed to fund the subject conditions. Also, they state that the right-turn dedications and power line locations have not been determined by Traffic Engineering. Traffic Engineering indicates that power pole locations and final street designs cannot be determined until the design of adjacent proposed projects have been completed by Nevada Power, Clark County and City staff. Traffic Engineering indicates that the design issues may take up to a year to plan.

***B) Conditions of Approval from Review of Condition (ROC-2137)***

1. Delete Condition #1 of Z-0095-91(4) Review of Condition 3-30-02.
2. The deferment of the required landscaping along the east, north and west sides of the site shall be subject to a Three-Year Review from the date of final approval, at which time the City Council may require full landscape improvements to be installed.

3. Site Development shall comply to the Conditions of Approval for Zoning application (Z-0095-91), Site Development Plan Review [Z-0095-91(1)], and all subsequent site-related actions as required by the Planning and Development Department and the Department of Public Works.
4. If required, the landscape plan shall be revised and approved by Planning and Development Department staff, within nine months of this approval, to reflect a 25-foot wide equestrian trail along the north side of Iron Mountain Road. This trail shall include 5-feet of Iron Mountain Road right-of-way and 20-feet of the subject parcel. The trail shall conform to the requirements set forth in the Recreation Trails Element of the General Plan. Construction of the trail shall commence within nine months of receipt, by the applicant, of the grant from the Bureau of Land Management allowing the installation of infrastructure.

## **FINDINGS**

Deferment of landscaping on the subject site is not appropriate. The required landscaping has been delayed since 1997. The applicant has not made any attempt to install required landscaping on the subject site. Staff cannot continue to support additional reviews on the subject site. Therefore, staff is recommending denial of the Required Review.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**      N/A

**SENATE DISTRICT**      N/A

**NOTICES MAILED**      271 by the Planning Department

**APPROVALS**      0

**PROTESTS**      0